

May 23, 2022

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VIA ECF

The Honorable Andrew L. Carter, Jr.
United States District Judge
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

USDC SDNY
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***Schansman et al. v. Sberbank of Russia PJSC et al., No. 1:19-cv-02985-ALC-GWG
(S.D.N.Y.) – Consent Request For A Pre-Motion Conference Concerning Plaintiffs’
Consent Motion for Voluntary Dismissal with Prejudice of Their Claims Against
Defendants The Western Union Company and Western Union Financial Services, Inc. or,
Alternatively, to Grant this Consented-To Motion Without Further Proceedings***

Dear Judge Carter:

In accordance with Section 2.A of Your Honor’s Individual Practices, Plaintiffs in the above-captioned case respectfully request a pre-motion conference regarding Plaintiffs’ proposed motion to dismiss with prejudice all claims against Defendants The Western Union Company and Western Union Financial Services, Inc. (“Western Union”) in this action pursuant to Federal Rule of Civil Procedure 41(a)(2), as Plaintiffs and Western Union have agreed to a resolution of the claims as between them. Western Union consents to the proposed motion. Where a plaintiff moves under Rule 41(a)(2) for voluntary dismissal with prejudice, “it has been held that the district court must grant that request.” *Maggio v. City Univ. of New York*, No. 05-cv-4211 (BMC), 2008 WL 11434463, at *1 (E.D.N.Y. Oct. 6, 2008) (quoting 9 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 2367 (3d ed. 2008)).

In light of the posture of this request, Plaintiffs respectfully ask that the Court treat this pre-motion letter as a motion and grant Plaintiffs’ motion without further proceedings. *See Kapitalforeningen Lægernes Invest. v. United Techs. Corp.*, 779 F. App’x 69, 70 (2d Cir. 2019) (affirming a district court ruling deeming pre-motion letters as a motion). Western Union has also consented to the request that this pre-motion letter be treated as a motion and granted without further proceedings.

Respectfully submitted,

/s/ David Pressman

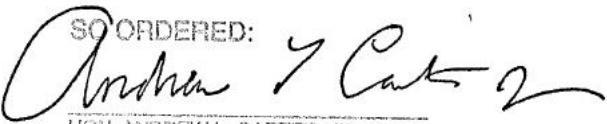
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Counsel for Plaintiffs

Plaintiffs' request for a pre-motion conference is **GRANTED**. The Court will hold a telephonic pre-motion conference in this action on Thursday, June 23, 2022 at Noon Eastern Time. Counsel for Plaintiffs and for Western Union shall appear and should contact the Court at 1-888-363-4749 (access code: 3768660).

The Clerk of Court is directed to terminate ECF No. 334.


SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: June 16, 2022